

NO. 90121-0

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SUPREME COURT OF THE STATE OF WASHINGTON

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MOHAMED ABDELKADIR  
Plaintiff,

VS.

STATE OF WASHINGTON DEPARTMENT  
OF EMPLOMENT SECURITY

Defendant

Received  
Washington State Supreme Court

E MAY 21 2014  
Ronald R. Carpenter  
Clerk

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REPLY BERIEF FOR PETITION

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MOHAMED ABDELKADIR  
PO Box 25794  
Seattle, WA 98165  
(206) 778-1983

**CASE # 69736-6-1 REPLY BRIEF FOR PETITIONER.**

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1. INTRODUCTION

Page 1, I, Mohamed Abdelkadir disagree with respondent brief as follows;

1) Judge Kathleen M. Lovejoy OAH Judge) and I am just surprised that document is not in this file. And what I mean (Judge Kathleen M. Lovejoy OAH Judge) by that, the document that would say we mailed out to claimant the monetary determination and his unemployment claims kit. See AR at 45 of 251, line 14-18 for more information

The department should waive the deadlines established under this subsection for reasons deemed by the commission to be good cause. As the above statement Mohamed Abdelkadir has a right to receive Training Benefit.

2) I, Abdelkadir I learned about the training benefits in September 2011 Vol. 13 N0. 8 flyers this program offered by Shoreline Community collage, "See AR at 159 of 251 for more information".

3) **I am respectfully requesting from the ESD to provide a proof of my signature that showing received of the Training Benefit kit.**

4) Judge Kathleen M. Lovejoy OAH Judge) according the above statement the ALJ suppose not to affirming the Department's determination "See AR at 45 of 251, line 14-18 for more information"

## 11. THE ISSUE STATEMENTS

For the reasons set forth bellow, the issues raised by Abdelkadir Petition for Review are appropriate for this Court's review under RAP 13.4(b)

- 1) The Employment Security Department failed to sent monetary booklet Kit to Appellant, When open an unemployment Claim's, Statement of the Judge as follows, Judge Kathleen M. Lovejoy OAH Judge) and I am just surprised that document is not in this file. And what I mean (Judge Kathleen M. Lovejoy OAH Judge) by that, the document that would say we mailed out to claimant the monetary determination and his unemployment claims kit, See AR at 45 of 251, line 14-18 for more information

**2) I, Abdelkadir meet the definition of "dislocated Worker' as follows,**

I, Abdelkadir would say direct to the court's "attentions" to RCW 50.22.130, the intent by the training benefits program, and it's first that training should be available for those unemployed, who skills are no longer in demand –See AR at 62-63, also see job search log (Abdelkadir) AR at 114-131 and AR at 208-237 of 251 for more information.

The above "job search logs," indicates Abdelkadir "skill driving" no more in demand.

**Dislocated worker is any individual who:**

- (a) Has been terminated or received a notice of termination from employer.**
- (b) Is eligible for or has exhausted entitlement to unemployment compensation benefits; and**
- (c) Is unlikely to return to employment the individual's principle or previous industry because of a diminishing demand for their skills in that occupation industry**

**11. COUNTERSTATEMENT OF THE CASE**

2) In 2009. Appellant did not received booklet kit, See AR at 45 of 251, line 14-18 for more information

AR AT 59 Abdelkadir 's testimony at the hearing indicated that I did not receive a claims booklet.

In 2009, the CSK Auto In challenged, I was deny my unemployment benefit by the ESD.

I am dislocated worker and my skill no longer in demand.

**Exhausted Reasonable Measures, Please See JOB SEARCH LOGS,**

**See page 213 of 251 of the transcript testimony for more information.**

, Mohamed Abdelkadir learned on October 14, 2011, when I was denied by Unemployment Security Department for the training benefit dead line.

Mr. Abdelkadir Unemployment Benefit was ended or run out while waiting Court decision on February 13, 2010.

**Judge (ALJ) Kathleen Love Joy statement during the hearing on January 27, 2012 as follows.**

This claimant says he has not received it, (Judge Kathleen M. Lovejoy OAH Judge) and I am just surprised that document is not in this file. And what I mean (Judge Kathleen M. Lovejoy OAH Judge) by that, the document that would say we mailed out to claimant the monetary determination and his unemployment claims kit, **See AR at 45 of 251, line 14-18 for more information**, the respondents Attorneys (Robert W. Ferguson and April Benson Bishop bringing new issue, which was not in my file (Abdelkadir) during administrate hearing (OAH) over the phone on January 27, 2013.

**The commission's finding of fact were not supported by substantial evidence, because:**

AR AT 59 Abdelkadir 's testimony at the hearing indicated that I did not receive a claims booklet.

May 16, 2014

In 2009, the CSK Auto In challenged, I was deny my unemployment benefit by the ESD.

I am dislocated worker and my skill no longer in demand.

**Exhausted Reasonable Measures, Please See JOB SEARCH LOGS,**

**See** page 213 of 251 of the transcript testimony for more information.

**1v. . CONCLUSION**

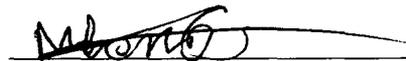
Based upon the above facts and procedural analysis, the ruling of the administrative (ALJ) **Judge Kathleen M. Lovejoy** On January 27, 2012.

And the Commission (ESD) and the Court of Appeal ruling on March 3, 2014 should reverse the decision for reasons.

The Court should use it's own discretion for this case. Thank

You.

Sincerely



May 16, 2014

Mohamed Abdelkadir

PROOF OF SERVICE

I, Mohamed Abdelkadir declare under the penalty of perjury under the  
of state of Washington that on April 1, 2014 I served a true and correct  
copy notice of appeal to the Supreme Court, documents and attached  
documents served to Court of Appeal and was mailed via certify U.S  
mail with proper postage attached to:

Ronald R. Carpenter Supreme Court Clerk

Washington State Supreme Court

PO Box 40929

Olympia, WA 98504

April Susanne Benson Bishop, WA Attorney General Office

800-5<sup>th</sup> AVE Ste 2000, Seattle, WA 98104

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April 1, 2014

Mohamed Abdelkadir